

## **R E M A R K S**

In the non-final Office Action dated April 14, 2008, it is noted that claims 1 – 17 are pending.

In the present amendment, claims 3, 4, 15 and 16 have been cancelled without prejudice, and claims 1, 2, 5 and 17 have been amended to more clearly and distinctly claim the subject matter that the Applicants regard as their invention. No new matter has been added.

### **Claim Objections**

Claim 15 is objected to because the claim language “the computer program” lacks antecedent basis. In the present amendment, Applicants have cancelled claim 15, and therefore have obviated this claim objection.

### **Rejections under 35 U.S.C. §112**

Claims 15 and 16 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In the present amendment, Applicants have cancelled claims 15 and 16, and therefore have obviated this claim rejection.

### **Rejections under 35 U.S.C. §101**

Claims 15 and 16 are rejected under 35 U.S.C. §101. In the present amendment, Applicants have cancelled claims 15 and 16, and therefore have obviated this claim rejection.

### **Rejections under 35 U.S.C. §102**

Claims 1 – 3, 9, 10 and 13 – 17 are rejected under U.S.C. 102(b) as being anticipated by Leporini (EP 1182874 A1).

### **Rejections under 35 U.S.C. §103**

Claim 4 is rejected under U.S.C. 103(a) as being unpatentable over Leporini (EP 1182874 A1) in view of Rakib (US 2004/0181811 A1).

Claim 5 is rejected under U.S.C. 103(a) as being unpatentable over Leporini in view of Levy (US 6505160 B1).

Claims 6 and 7 are rejected under U.S.C. 103(a) as being unpatentable over Leporini in view of Yap (WO 01/82588 A2).

Claims 8 and 11 are rejected under U.S.C. 103(a) as being unpatentable over Leporini in view of Nozue (US 5890189).

Claim 12 is rejected under U.S.C. 103(a) as being unpatentable over Leporini in view of Applicant's alleged admitted prior art.

### **Response to Arguments**

Applicants submit that for at least the following reason, claims 1 – 3, 9, 10 and 13 – 17 are not anticipated by Leporini.

For example, amended claim 1 requires:

*“wherein said identification information comprises information identifying an interactive television application that caused the recording of said interactive television content.”*

In the Office Action, page 7, it is conceded by the Office that Leporini does not disclose that the identification information being information identifying said application that caused the recording. Therefore, claim 1 is not anticipated by Leporini.

Because of the above deficiencies in Leporini, the Office cited Rakib, which apparently relates to thin DOCSIS in-band management for interactive HFC service delivery. In the Office Action, it is alleged that Rakib discloses the above claimed features. Applicants respectfully disagree.

Rakib, paragraph [0167], apparently teaches the identification of a TCP/IP port. Applicants submit that identifying a TCP/IP port does not identify the application. This is because a number of different applications can use the same TCP/IP port number. Thus, identifying a TCP/IP port number does not allow the identification of the application because that number can be associated with a number of different applications. Therefore, Rakib does not teach or suggest *“wherein said identification information comprises information identifying an interactive television application that caused the recording of said interactive television content,”* as claimed.

In view of the forgoing, Applicants submit that claim 1 is patentable over Leporini and Rakib, alone or in combination. Claim 17 is believed to be patentable because it contains many similar distinguishing features as in claim 1. Applicants further submit that none of the cited secondary references can cure the defects found in Leporini and Rakib. Therefore, claims 2 – 14 should also be patentable because they depend from claim 1, with each claim containing further distinguishing features.

**Conclusion**

In view of the foregoing, it is respectfully submitted that all the claims pending in this patent application are in condition for allowance. Reconsideration and allowance of all the claims are respectfully solicited.

In the event there are any errors with respect to the fees for this response or any other papers related to this response, the Director is hereby given permission to charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account No. 14-1270.

Respectfully submitted,

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